

POST-ACCIDENT REPORT WORKING GROUP CHARTER

1. WORKING GROUP OFFICIAL DESIGNATION: The official designation is the Post-Accident Report Working Group, hereinafter referred to as the “Working Group.”
2. AUTHORITY: Section 5306 of the Fixing America’s Surface Transportation (FAST) Act, Pub. L. 114-94 (December 4, 2015) mandates the Working Group. This charter establishes the Working Group and provides for its operation in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.
3. OBJECTIVES AND SCOPE OF ACTIVITIES: The Working Group shall review the data elements of post-accident reports for tow-away accidents required to be reported to the Federal Motor Carrier Safety Administration (FMCSA) and which involve FMCSA-regulated commercial motor vehicles. The Working Group shall then report its findings and recommendations, including best practices for State post-accident reports to achieve the data elements described in paragraph 4b of this charter, to the Secretary, through the FMCSA Administrator, in a manner that allows the Secretary to make the identifications and recommendations described in paragraph 4d.
4. DESCRIPTION OF DUTIES: The members of the Working Group shall:
 - a. Participate in Working Group meetings;
 - b. Consider requiring additional data elements in post-accident reports, including:
 - i. The primary cause of the accident (if the primary cause can be determined); and
 - ii. The physical characteristics of the commercial motor vehicle and any other vehicle involved in the accident, including:
 - (1) The vehicle configuration;
 - (2) The gross vehicle weight (if the weight can be readily determined);
 - (3) The number of axles; and
 - (4) The distance between axles (if the distance can be readily determined);
 - c. Reach a consensus on the required findings and recommendations; and
 - d. Issue the report to the Secretary to allow the Secretary to do the following no later than December 4, 2016:
 - i. Review the Working Group’s findings;
 - ii. Identify the best practices for State post-accident reports for those accidents to be reported to the FMCSA (including identifying data elements that should be collected following a tow-away commercial vehicle accident); and

- iii. Recommend to the States the adoption of new data elements to be collected following commercial motor vehicle accidents required to be reported to FMCSA.

5. AGENCY/OFFICIAL TO WHOM THE WORKING GROUP REPORTS: The Working Group shall report to the Secretary of Transportation through the FMCSA Administrator.

6. SUPPORT: The FMCSA's Office of Policy will provide necessary funding, logistics, and administrative support for the Working Group.

7. ESTIMATED OPERATING COSTS AND STAFF YEARS: The operating costs associated with the Working Group's functions are estimated to be \$100,000 including all direct and indirect expenses. The Agency estimates that one full-time equivalent position will be required to support the Working Group.

8. DESIGNATED FEDERAL OFFICER (DFO) AND SPONSOR:

- a. The DFO for the Working Group is FMCSA's Associate Administrator for Policy or his or her designee.
- b. The DFO shall designate an independent facilitator for Working Group meetings.
- c. The DFO will approve or call all Working Group meetings, prepare and approve all meeting agendas, attend all Working Group meetings, adjourn any meetings when he or she determines adjournment to be in the public interest, and chair meetings when directed to do so by the FMCSA Administrator.

9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:

- a. The Working Group will meet approximately three times. As necessary, the DFO may call additional meetings.
- b. Notice of each meeting shall be published in the Federal Register at least 15 calendar days prior to the date of the meeting. The meeting agenda and all relevant meeting information will be posted in advance of each meeting on the FMCSA public web site (www.fmcsa.dot.gov/PARWG).
- c. Meetings shall be open to the general public, except as provided under section 10(d) of FACA (as implemented by 41 C.F.R § 102-3.155), the Government in the Sunshine Act (5 U.S.C. § 522b(c)), and DOT Order 1120.3B.
- d. Detailed minutes of each meeting shall be certified by the DFO or his or her designee and maintained by the sponsor. The minutes, as certified, shall be available for public inspection and copying on the www.fmcsa.dot.gov/PARWG public Web site.

10. DURATION: The Working Group shall terminate not more than 180 days after the date on which the Secretary makes the FAST Act-required identifications and recommendations listed in paragraph 4d above.

11. TERMINATION: This charter shall terminate two years after its filing date unless sooner terminated.

12. MEMBERSHIP AND DESIGNATION:

- a. The FMCSA Administrator shall appoint the members of the Working Group. The Working Group shall be comprised of no more than 25 members representing the following interests and/or entities:
 - i. Members representing the States or State law enforcement officials. These members shall comprise the majority of the Working Group (i.e., no less than 51 percent);
 - ii. Members representing the FMCSA-regulated motor carrier industry;
 - iii. Members representing organized labor;
 - iv. Members who are safety advocates or represent safety advocacy organizations; and
 - v. Members representing other interested parties.
- b. Members serve at the pleasure of the Administrator.
- c. Members are expected to serve for the duration of the Working Group.
- d. Members will be individuals who are not employees of FMCSA and who are specially qualified to serve based on their education, training, and professional experience.

13. RECORDKEEPING: The records of the Working Group shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552.

14. FILING DATE: The filing date of this charter is October 13, 2016.